

REMARKS

Claims 1-27 were considered. Claim 1 is amended. Claim 2 is cancelled. Claims 1 and 3-27 remain in the application.

The Patent Office objects to the drawings. The Patent Office rejects claims 1-6, 8 and 11 under 35 U.S.C. § 102(b). The Patent Office rejects claim 7, 10 and 12 under 35 U.S.C. § 103(a). Reconsideration of the pending claims is respectfully requested in view of the above amendments and the following remarks.

A. Objection to the Drawings

The Patent Office objects to the drawings under 37 CFR § 1.83(a). Several objections are raised.

The Patent Office states that the drawings do not show an electrical interface electrically coupled to the tendon wire of claims 2 and 14. Applicants amend Fig. 7 to show tendon wire 106 electrically coupled to electrical interface 38. Fig. 2 is amended to show tendon wire 106 electrically coupled to electrical interface 38. Support for the amendment to Fig. 2 and Fig. 7 may be found, for example, in the application at page 9, line 28 through page 10, line 7. Fig. 2 is also amended to show instrument 39 connected to electrical interface 38. Support for the amendment to Fig. 2 may be found in the application at page 10, line 3-4.

The Patent Office objects to the drawings for failing to show a first piece of elastically deformable material and a second piece of elastically deformable material approximately 180° from a first area. Applicant amends Fig. 7 to show first piece 101A of elastically deformable material and second piece 101B of elastically deformable material connected to the distal portion of guide catheter 10. Support for the amendment may be found in the application, for example, at page 10, line 19 through page 11, line 9.

The Patent Office objects to the drawings for failing to show a coil of elastically deformable material coupled to each of the first and second pieces of elastically deformable material. Applicant amends claim 7 to show coil 103 that is connected to

exterior portions of each of first piece 101A of elastically deformable material and second piece 101B of elastically deformable material. Support for the amendment to Fig. 7 may be found in the application, for example, at page 11, lines 10-16.

Applicant amends the specification to reference the modifications made to Fig. 2 and Fig. 7. Applicant respectfully requests that the amendments to the specification be entered. Finally, Applicant requests that the Patent Office accept the amended Fig. 3 and withdraw the objections under 37 CFR § 1.83(a).

Fig. 3 is also objected to for failing to comply with 37 CFR § 1.84(p)(5) due to a reference numeral error. Applicant amends Fig. 3 to clarify that the needle corresponds to reference number 64 not "4". Applicant respectfully asks the Patent Office to accept the amended Fig. 3 and to withdraw the objection under 37 CFR § 1.84(p)(5).

The drawings are objected to because the Patent Office believes reference numeral 74 points to two different things. Reference numeral 74 Fig. 3 shows lead wire 74 coupled to lead attachment 72 and wrapped around braided shaft 58. Applicants believe the proximal and distal indications of Reference numeral 74 illustrate the wrapping described in the application at, for example, page 15, lines 1-11. Accordingly, Applicant respectfully requests that the Patent Office withdraw the objection raised with respect to Reference numeral 74.

Finally, the Patent Office objects to the drawings because reference numeral 104 in Fig. 6 points to two different things. Applicant notes however that reference numeral 104, in this embodiment, is intended to include flexible element 100 and outer braid 102 therein. Support for this interpretation may be found in the application at page 8, line 18-20. Accordingly, Applicant respectfully requests that the Patent Office withdraw the objection to Fig. 6 with respect to reference numeral 104.

B. 35 U.S.C. § 102(b): Rejection of Claims 1-6, 8 & 11

The Patent Office rejects claims 1-6, 8 and 11 under 35 U.S.C. § 102(b) as anticipated by U. S. Patent No. 5,876,373 of Giba, et al. (Giba). Giba discloses a device suitable for transmyocardial revascularization. According to the Patent Office, Giba

discloses a substance delivery system having a handle, flexible body portion, flexible element, braid, anchor element, tendon wire and location sensor.

Claim 1 is not anticipated by Giba, because Giba fails to disclose an apparatus including, among other elements, an electrical interface electrically coupled to a tendon wire, where the anchor element and the tendon wire each comprise electrically conductive material such that an instrument can receive an electrical signal from the tendon wire through the electrical interface.

Claims 3-6, 8 and 11 depend from claim 1 and therefore contain all the limitations of that claim. For at least the reasons stated with respect to claim 1, claims 3-6, 8 and 11 are not anticipated by Giba. Applicant respectfully requests that the Patent Office withdraw the rejection to claims 1-6, 8 and 11 under 35 U.S.C. § 102(b).

C. 35 U.S.C. § 103(a): Rejection of Claims 7, 10 & 12

The Patent Office rejects claim 7 under 35 U.S.C. § 103(a) as obvious over Giba. Claim 7 depends from claim 1 and therefore contains all the limitations of that claim. Giba does not disclose an electrical interface electrically coupled to a tendon wire and does not disclose a motivation for such interface and coupling.

The Patent Office rejects claim 10 under 35 U.S.C. § 103(a) as obvious over Giba in view of U.S. Patent No. 5,730,741 to Horzewski, et al. (Horzewski). Horzewski is cited for disclosing a stabilizing member.

Claim 10 is not obvious over the cited references because the cited references fail to describe or provide any motivation for an electrical interface electrically coupled to a tendon wire.

The Patent Office rejects claim 12 under 35 U.S.C. § 103(a) as obvious over Giba in view of U.S. Patent No. 6,009,349 of Mouchawar, et al. (Mouchawar). Mouchawar is cited for disclosing an accelerometer.

Claim 12 is not obvious over the cited references because the cited references fail to disclose or provide any motivation for an electrical interface electrically coupled to a tendon wire.

Applicant respectfully requests that the Patent Office withdraw the rejection to claims 7, 10 and 12 under 35 U.S.C. § 103(a).

D. Allowable Subject Matter

The Patent Office finds claims 13-27 allowable.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance, and such action is earnestly solicited at the earliest possible date. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,

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Date: 12/29/04

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I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Jean Svoboda

12/29/04
Date